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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,730	05/17/2000	CHARLES ERIC HUNTER	0108020-0533877	9231

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FROST BROWN TODD, LLC  
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CINCINNATI, OH 45202

EXAMINER
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ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3688

NOTIFICATION DATE	DELIVERY MODE
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01/12/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/465,730	<b>Applicant(s)</b> HUNTER ET AL.	
	<b>Examiner</b> Raquel Alvarez	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-19, 22, 73-79, 83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19, 22, 73-79, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 11/3/2008.
2. Claims 14-19, 22, 73-79 and 83-84 are presented for examination.

#### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-17, 22-23, 73-79 and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (6,060,993 hereinafter Cohen).

With respect to claims 14, 73-74, 76, 77, 83, 84 Cohen teaches a method of providing video or still image advertisements at selected locations on a network of multiple display screen that are located in traffic areas (Abstract). Providing advertising customers the opportunity to order display of advertising content at display screen locations selected by the advertising customers (i.e. advertiser 28 chooses the advertisers content to display at various locations specified by the individual advertisers) (col. 4, lines 64 to col. 5, lines 1-3) ; receiving advertising content from the advertising customers (i.e. receiving advertisers profiles and customer preferences based on the location and weather)(col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-28); transmitting advertising content received from the advertising customers to the selected display screen locations (see display 14); driving the display screen at each selected

Art Unit: 3688

location to display the transmitted advertising content in accordance with the advertising customers' orders (see Figure 1; col. lines 37-46).

With respect to the advertising customer electronically ordering the display via an electronic communication link. Cohen teaches on col. 2, lines 58-61 and col. 4, lines 64 to col. 5, lines 1-3 and col. 5, lines 24-27 advertisers profiles, the advertisers choosing where and under what weather conditions (i.e. scheduling) to display the advertisements. Cohen is silent as to the means used by the advertisers to order and schedule the display. Official Notice is taken that it is old and well known at the time of Applicant's invention to electronically by means of a website and the like to order advertisements from a content provider. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the system of Cohen electronically means for ordering because such a modification would provide the convenience of ordering using such known methods as the Internet.

With respect to claim 75, Cohen further teaches generating a bill in accordance with the order (col. 5, lines 14-23).

With respect to claim 78, Cohen further teaches sending the advertising content to the selected display screens using wireless communications (col. 3, lines 39-43).

Art Unit: 3688

With respect to claims 79, and 83-84, Cohen further recites any of a variety of known electronic driven changeable displays, including LED, liquid crystal displays (col. 3, lines 64 to col. 4, lines 1-3).

With respect to claims 15-17, Cohen further teaches verifying the display for appropriateness of the time and content of the display (col. 4, lines 64 to col. 5, lines 1-3).

Claims 22-23 further recite detecting defective pixels on the display and automatically calibrating the defective pixels. Official notice is taken that it is old and well known in the imaging arts to detect and automatically calibrate the defective pixels in order to improve the image.

**5. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Cragun (5,504,675 hereinafter Cragun).**

Claims 18-19 further recite detecting customer traffic near the selected display locations and generating market analysis report from the detection of traffic. Cragun teaches collecting data pertaining to the proximity of persons around a presentation unit display and using the collected data to further run sales promotion programs (Abstract). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included detecting customer traffic near the selected

Art Unit: 3688

display locations and generating market analysis report from the detection of traffic in order to obtain the above mentioned advantage.

### **Response to Arguments**

6. Applicant argues that Cohen doesn't teach providing advertising customers the opportunity to electronically order display of advertising content at display screen locations selected by the advertising customers via an advertising customer interface" the Examiner wants to point out that Cohen clearly teaches on col. 2, lines 58-61 that "the present invention is to provide a mobile display system of general character described wherein specific advertisements are displayed when and where the advertisers choose" By the advertisers choosing when and where to display the advertisements, the advertisers are in fact choosing the display screen associated within that location. The advertisers select the schedule and place that it wants to advertise, by choosing location and time, the advertisers in fact choosing the mobile display in which to display the ads. With respect to using an advertising customer interface, the Examiner wants to point out that since Cohen teaches using advertisers profiles, the advertisers choosing where and under what weather conditions (i.e. scheduling) to display the advertisements then the system of Cohen has to be receiving this information from the advertisers somehow and the Examiner had taken Official Notice that using electronic communication link is well known in order to receive and transmit information. Therefore contrary to Applicant's arguments, Cohen doesn't teach away from the claimed invention.

Art Unit: 3688

7. With respect to the Official Notices taken, Applicant hasn't created a reasonable doubt of the facts taken Official Notice of and therefore the Official Notice has been maintained. See MPEP 2144.03 where In re Boon is mentioned.

8. With respect to claim 15-17, contrary to Applicant's arguments, Cohen teaches on col. 4, lines 64 to col. 5, lines 1-3, verifying the display for appropriateness of the time and content for the particular display.

9. With respect to Applicant's pertaining to claim 73, Cohen teaches on col. 3, lines 64 to col. 4, lines 1-3 that display 14 may present **still picture quality images**.

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Point of contact**

Art Unit: 3688

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3688

Raquel Alvarez  
Primary Examiner  
Art Unit 3688

R.A.  
1/5/2009